

## APPLICATION FOR PERMIT

Serial No. 13061

## TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of first receipt and filing in State Engineer's office SEP 27 1949  
Returned to applicant for correction  
Corrected application filed

The undersigned F. M. & L. E. Schmidlein  
Name of applicant  
of Austin, County of Lander  
State of Nevada, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation.)

1. The source of the proposed appropriation is Big Smokey Creek  
Name of stream, lake, or other source
2. The amount of water applied for is 2.80 second-feet.  
One second-foot equals 40 miners' inches
3. The water to be used for Irrigation and domestic  
Irrigation, power, mining, manufacturing, domestic, or other use
4. The water is to be diverted from its source at the following point:  
SW $\frac{1}{4}$  NW $\frac{1}{4}$  Section 24, T. 16 N., R. 44 E., M.D.B.&M., or at a point from which the NW Corner of Sec. 23, T. 16 N., R. 44 E., bears N. 78° 11' 30" W., 5,943.52 feet.

## IF THE WATER IS TO BE USED FOR IRRIGATION, SUPPLY THE FOLLOWING INFORMATION:

- a) Number of acres to be irrigated is 280 acres
- b) Description of land to be irrigated S $\frac{1}{2}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , SW $\frac{1}{4}$  & SE $\frac{1}{4}$   
Describe by legal subdivision, or if on unsurveyed land it should be so stated  
Section 24, T. 16 N., R. 44 E.  
be so stated and a description provided in accordance with special instruction from the State Engineer when application is returned for correction
- c) Use will begin about Jan. 1 and end about Dec. 31, of each year.  
Month Month

## IF WATER IS TO BE USED FOR POWER, MINING, STOCK WATERING, OR OTHER USE, SUPPLY THE FOLLOWING INFORMATION:

- d) Power to be developed is horsepower.
- e) Place of use  
Give location of place of use by legal subdivision
- f) Point of return of water to stream  
Describe in same manner as point of diversion
- g) State number and kinds of animals to be watered
- h) Use will begin about \_\_\_\_\_ and end about \_\_\_\_\_, of each year.  
Month Month
- i) Remarks The domestic use claimed above includes a stock-watering right for the entire year.

**DESCRIPTION OF PROPOSED WORKS**

The combined flow from Frenchman, Rock, Sheep and Big Smokey Creeks

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits. If water enter the Big Smokey Meadow at the above named point of diversion

is to be stored in reservoirs, it should be so stated and the location of the reservoir should be given with reference to the legal subdivisions and a system of lateral ditches aid in the flooding of the Big Smokey Meadow.

5. Estimated cost of works \$5,000

6. Estimated time required to construct works Work completed

7. Remarks The water from Big Smokey Creek was first used in 1878, and  
For use of applicant  
a vested right is claimed, and is not waived by virtue of this application. This application is filed in order to make the existing water right a matter of record in the office of State Engineer.

F. M. & L. E. Schmidlein, Applicant.

By s/L. E. Schmidlein

Compared *ATLM*

This sheet inspected

OVERRULED See Ruling #1089, Engineer.

Protested Jan. 9, 1950 by Morris, Gower and Ishmael.

**APPROVAL OF STATE ENGINEER**

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit is issued subject to all existing right on the source. A substantial headgate and measuring device must be installed and maintained to facilitate the measurement and control of water. The State retains the right to regulate the use of the water herein granted at any and all times. The place of use under this permit for the SW<sup>1</sup>, NW<sup>1</sup>, Section 24, T16N., R44E., MDB&M., is limited to 23.03 acres having existing rights and for the SW<sup>1</sup>, NE<sup>1</sup>, Section 24, T16N., R44E., MDB&M., is limited to 6.83 acres having existing rights as specified under the Kingston Creek Decree. The NW<sup>1</sup>, SW<sup>1</sup> & SW<sup>1</sup>, SW<sup>1</sup>, Sec. 24, T16N., R44E., MDB&M., are deleted from the place of use under this permit.

The amount of water to be appropriated shall be limited to the amount

which can be applied to beneficial use, and not to exceed 2.80

cubic feet per second, but not to exceed a yearly duty of 4.0 acre-feet per acre of land irrigated from any and/or all sources.

Actual construction work shall begin on or before April 25, 1969

Proof of commencement of work shall be filed before May 25, 1969

Work must be prosecuted with reasonable diligence and be completed on or before April 25, 1970

Proof of completion of work shall be filed before May 25, 1970

Application of water to beneficial use shall be made on or before

April 25, 1973. Proof of the application of water to beneficial

use must be filed with State Engineer on or before May 25, 1973

Map Filed SEP 27 1949 Under 13058 PBU map must be filed on or before May 25, 1973

WITNESS MY HAND AND SEAL this 25th day

of October, 1968

CANCELLED JUN 25 1970 BECAUSE OF FAILURE  
OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT

State Engineer

*Donald D. Wiegard*

STATE ENGINEER